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Adaptive Management

In light of the limitations of its ground water model and the data assembled to date, the studies done do not conclusively show that the increased densities of the UGA will not result in saltwater intrusion into the water supply. The adaptive management program recommended by the advisory group is a necessary part of the County's protection strategy. Until the County completes these missing pieces, the Lopez Village UGA fails to comply with RCW 36.70A.070(3)(a)-(d), RCW 36.70A.070(1), and RCW 36.70A.020(10) and (12). *Stephen F. Ludwig v. San Juan County,* WWGMHB Case No. 05-2-0019c (Final Decision and Order, Compliance Order (April 19, 2006).

[T]he County's monitoring and adaptive management program for the NRCS BMPs it has adopted to regulate farming activities in critical areas meet the scientific standards for such programs. The County's program sets monitoring parameters that are reasonably related to the protection of the functions and values of critical areas affected by agricultural activities. The program will establish baseline conditions, monitor water quality according to State standards, tie any contamination to the source, and refer this information to the Planning Director for action. *WEAN v. Island County*, WWGMHB Case No. 98-2-0023c (2006 Order Finding Compliance of Critical Areas Protections in Rural Lands, September 1, 2006); *WEAN v. Island County*, WWGMHB Case No. 06-2-0012c (Final Decision and Order, September 14, 2006).

Best Available Science

Based on the County's reasoned review of the factors in WAC 365-195-905(5) for determining if the NRCS BMPs constitute best available science; and the assessment of the state agencies with expertise in this area – Ecology, Fish and Wildlife, and CTED – we find that the NRCS BMPs constitute best available science for the regulation of ongoing noncommercial agricultural practices in Island County, so long as they are accompanied by monitoring and an adaptive management program. *WEAN v. Island County*, WWGMHB Case No. 98-2-0023c (2006 Order Finding Compliance of Critical Areas Protections in Rural Lands, September 1, 2006); *WEAN v. Island County*, WWGMHB Case No. 06-2-0012c (Final Decision and Order, September 14, 2006).

BMPs

For agricultural practices, the state agencies recommend BMPs rather than buffers. In the 2005 publication *Wetlands in Washington State: Vol 2: Guidance for Protecting and Managing Wetlands* (R-8769-12c), the state Departments of Ecology and Fish and Wildlife clearly express this view: BMPs should be used to regulate ongoing agricultural activities… Where the agencies with expertise and responsibility for addressing protection of critical areas unequivocally recommend the use of BMPs instead of standard buffers, Petitioner has a heavy burden to show that the BMPs are not adequate protection under RCW 36.70A.170 and 36.70A.060. *WEAN v. Island County*, WWGMHB Case No. 98-2-0023c (2006 Order Finding Compliance of Critical Areas Protections in Rural Lands, September 1, 2006).

Where standard buffers widths respond to a variety of possible circumstances, BMPs and farm plans are able to target more specifically the practices that are actually in use on each farm. *WEAN v. Island County*, WWGMHB Case No. 98-2-0023c (2006 Order Finding Compliance of Critical Areas Protections in Rural Lands, September 1, 2006).

Burden of Proof

Any allegation must be supported by the relevant evidence. Here, Petitioner has not provided the Board with enough evidence to enable the Board to assess the County's [SEPA] determination. In fact, Petitioner never mentions the County's determination other than to say that an environmental impact statement should have been prepared. Since all of Petitioner's arguments on this point were submitted in prior hearings, it is not clear whether the County's determination itself is part of the evidence in this case, and to what extent (if any) the DNS relied upon prior environmental reviews. Under these circumstances, the Board finds that Petitioner has not met its burden of proof on this issue. *WEAN v. Island County*, WWGMHB Case No. 06-2-0012c (Final Decision and Order, September 14, 2006).

Capital Facilities

The capital facilities financing plan does not yet show how the County "will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes". RCW 36.70A.070(3)(d). The County's planning estimate is a good start but does not yet fulfill the requirement for a six-year financing plan. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Reliance upon private purveyors of sewer and water utilities within the UGA is an acceptable means of bringing urban levels of service to the Lopez Village UGA. However, because the capital facilities plans of the private providers have not been incorporated into the County's comprehensive plan in a manner that fulfills the requirements of RCW 36.70A.070(3)(a)-(d), and because no agreement exists with the private water and sewer purveyors to provide service to the entire UGA, the Lopez Village UGA capital facilities planning is clearly erroneous pursuant to RCW 36.70A.320(3) and remains non compliant with RCW 36.70A.070(3)(a), (b), (c), (d) and RCW 36.70A.020(12). *Stephen F. Ludwig v. San Juan County,* WWGMHB Case No. 05-2-0019c (Final Decision and Order, Compliance Order, April 19, 2006)

A major deficiency in the County's remand work is the absence of a capital facilities plan showing the capacity and locations of sewer facilities to serve the entire UGA in the 20-year planning period; a six year financing plan that shows funding capacities and sources of public money, and how future facilities will be extended throughout the UGA during the 20-year planning period. To make the ESSWD plan part of the County's capital facilities element, the County must also incorporate compliant capital facilities information from the ESSWD plan that the County wishes to utilize for the Eastsound UGA into the County's comprehensive plan's capital facilities' element itself. Without such information, the County's record fails to show that urban densities can be achieved and sewer provided throughout the UGA over the 20-year planning period as required by RCW 36.70A.070(3)(a) – (d), RCW 36.70A.020 (12), and RCW 36.70A.110 (1) and (3). *Stephen Ludwig v. San Juan County,* WWGMHB 05-2-0019c and *Fred Klein v. San Juan County,* WWGMHB 02-2-0008 (Compliance Orders, June 20, 2006) and *John*

Campbell v. San Juan County, WWGMHB Case No. 05-2-0022c (Final Decision and Order, June 20, 2006)

Declaratory Rulings

As a preliminary matter, we note that the jurisdiction of the boards cannot be extended by procedural rules and that RCW 36.70A.270(7) only incorporates the APA rules for "practice and procedure of the boards." RCW 36.70A.280 provides a strict limitation on the authority of the boards… Even though the boards have rules for petitions for declaratory rulings, then, we must be careful not to apply them in ways that exceed the legislative grant of authority to the growth boards. *In the Matter of the Petition of Bert Loomis for Declaratory Ruling,* WWGMHB Case No. 06-2-0006 (Decision on Petition for Declaratory Ruling, March 28, 2006).

Petitioner argues that there is a need for a Board decision on the applicability of the GMA to the permit approvals at issue. However, it is not up to this Board to determine that such a decision would be pertinent or helpful. Such a determination should be made by the tribunal that has the issue before it. The doctrine of primary jurisdiction is instructive in this regard. This doctrine allows a court to defer to an agency… However, the decision whether to defer to the agency, in this case the Board, rests with the court, not the Board. *In the Matter of the Petition of Bert Loomis for Declaratory Ruling,* WWGMHB Case No. 06-2-0006 (Decision on Petition for Declaratory Ruling, March 28, 2006).

Invalidity

We will not consider a request for invalidity that was not raised until the briefing. *See also CMV v. Mount Vernon,* WWGMHB Case No. 98-2-0006 (Final Decision and Order, July 23, 1998). *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006).

The change in designation of rural lands to include them in the expanded Winlock UGA was not accompanied by a showing that the new designation and mapping of those lands (subject to a finding of invalidity in the *Butler* and *Panesko* decisions) no longer substantially interferes with Goal 8 of the GMA. Inclusion of those lands into the expanded Winlock UGA without such a showing fails to comply with the GMA requirements to designate and conserve agricultural lands of long-term commercial significance. RCW 36.70A.060(1) and 36.70A.170. The invalidity determination was imposed to preserve those rural lands for consideration for designation as agricultural resource lands once the County adopts compliant designation criteria. Under the standard of RCW 36.70A.320(4) and 36.70A.302(7), the County must show that substantial interference with Goal 8 of the GMA has been removed when it changes the designation of those lands. *Futurewise v. Lewis County,* WWGMHB Case No. 06-2-0003 (Final Decision and Order, August 2, 2006). **Modified:** [T]he [Supreme] Court's decision in *Lewis County v. Western Washington Growth Management Hearings Board* has changed the basis upon which this Board's decision with respect to the Winlock UGA was made. Therefore, the Board reconsiders its decision with respect to the Winlock UGA boundaries. The invalidity determination no longer applies to the lands at issue in the Winlock UGA and therefore the inclusion of those lands in the expanded UGA does not contravene the GMA requirements for conservation of agricultural resource lands. *Futurewise v. Lewis County,* WWGMHB Case No. 06-2-0003 (Order

Granting Motion for Reconsideration, August 21, 2006). Appealed to Lewis County Superior Court (pending).

While four years is a long time to achieve compliance, the designation of the Eastsound UGA is a task of unusual scope and complexity for a rural County with limited resources. As long as the County keeps [an ordinance] in place… so that urban uses are not allowed until compliance is found, we find that the designation of the Eastsound UGA does not interfere with Goals 1,2, and 4 of the GMA. *Stephen Ludwig v. San Juan County,* WWGMHB 05-2-0019c and *Fred Klein v. San Juan County,* WWGMHB 02-2-0008 (Compliance Orders, June 20, 2006) and *John Campbell v. San Juan County*, WWGMHB Case No. 05-2-0022c (Final Decision and Order, June 20, 2006)

While the Board has no doubt about the County's good intentions in this regard, we are unable to rescind invalidity until the ambiguities concerning the type of development that may continue to occur within the Irondale and Port Hadlock UGA are resolved. *Irondale Community Action Neighbors and Nancy Dorgan v.Jefferson County,* WWGMHB Case No. 04-2-0022 and *Irondale Community Action Neighbors v. Jefferson County*, WWGMHB Case No. 03-2-0010 (Order Denying Motions to Rescind Invalidity and Impose Additional Invalidity Determination, March 8, 2006).

Jurisdiction (Subject Matter)

[T]o the extent that the Subarea Plan sets new deadlines for action, those deadlines are part of the Comprehensive Plan. Any review of the County's UGAs would have to be consistent with the Comprehensive Plan, both to maintain the Comprehensive Plan as an internally consistent document (RCW 36.70A.070) and to assure that all planning activities are done in conformity with the Comprehensive Plan (RCW 36.70A.120). In this case, the County has not yet taken an inconsistent action but, if the deadline for its self-imposed review period has passed, its failure to act within the specified time period means that any future UGA review would be inconsistent with its comprehensive plan. We therefore find that the Board has jurisdiction to determine whether the County has failed to comply with the GMA by failing to comply with the deadlines established in its comprehensive plan (through the Urban Fringe Subarea Plan). *Wiesen v. Whatcom County,* WWGMHB Case No. 06-2-0008 (Order Granting Motion to Dismiss, July 17, 2006)

A growth management hearings board may only decide issues "presented to the board in the statement of issues, as modified by any prehearing order". Petitioners seem to argue that since invalidity may only be imposed after a finding of noncompliance has been made, a challenge to the compliance of those regulations may be inferred. They are mistaken. RCW 36.70A.290(1) expressly limits the Board to deciding issues raised in the issue statement incorporated into the prehearing order. Since Petitioners did not allege noncompliance of the specific development regulations establishing rural lot sizes and densities, Petitioners may not backdoor their request for invalidity into a compliance challenge they did not raise. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

To the extent that Petitioner asks the Board to issue an order requiring his specific agricultural activities be allowed in the fish and wildlife protection buffers, he is seeking

an order beyond the jurisdiction of this Growth Management Hearings Board. *Dunlap v. Nooksack,* WWGMHB Case No. 06-2-0001(Final Decision and Order, July 7, 2006)

Resolutions 2006-05-26B and 2006-06-05 are not yet final actions to adopt development regulations or amend the comprehensive plan. Until the final conditions for lifting the urban holding designation are set, the challenge to those adoptions is not yet ripe and the Board has no jurisdiction over them pursuant to RCW 36.70A.280(1). *The City of Vancouver v. Clark County,* WWGMHB Case No. 06-2-0013 (Order Granting the County's Motion to Dismiss in Part and Denying Motion to Dismiss in Part, September 29, 2006)

…the Board decides that Resolution 2006-05-26A is subject to the Board's jurisdiction. It is not a site specific rezone, but instead is a final action that removes the urban holding overlay designation. For that reason, it is a development regulation that implements the comprehensive plan policies on removal of UH overlay designations. Resolution 2006-05-26A is a development regulation and therefore is subject to the Board's jurisdiction. *The City of Vancouver v. Clark County,* WWGMHB Case No. 06-2-0013 (Order Granting the County's Motion to Dismiss in Part and Denying Motion to Dismiss in Part, September 29, 2006)

LAMIRDs

Outside of the update process, the choice whether to revisit prior LAMIRD boundary adoptions is within the discretion of the County. *Widdell v. Jefferson County,* WWGMHB Case No. 06-2-0004 (Order on Dispositive Motion, May 2, 2006).

Open Space

Here, the County has incorporated Goal 9 in its open space policies. It has adopted planning policies that pertain to open space corridors, long range trail planning, open space networking, trail development, education and recreation, and parks and trails as they relate to quality of life, public safety and economic development. The minutes of the County Trails Committee show that the County is using its policies to plan for trails. Further the County has development regulations to provide opportunities to provide for open space corridors through its clustering ordinance and incentives for acquiring open space abutting identified open space corridors. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Practice before the Board

We take this opportunity to note with approval the County's use of its planning staff to present the majority of its oral argument in this case. The County's attorney in this case utilized planning staff strategically to make the County's arguments on planning points and to answer Board questions. County staff deftly avoided the potential pitfalls of this approach by carefully limiting themselves to exhibits already before the Board. The Western Board recognizes that not all of the growth boards will accept this approach but we found this approach very helpful since the planning staff presented arguments and responded to Board questions with respect and professionalism. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Public Participation

The execution by the Mayor of Winlock of the challenged professional services and cost reimbursement agreements is not subject to the public participation requirements of RCW 36.70A.140. *Harader v. Winlock,* WWGMHB Case No. 06-2-0007(Final Decision and Order, August 30, 2006).

The evidence in the record indicates the City's good faith in extending the public hearing on the proposed CAO in this case to allow further public input on the revised draft. However, we have to agree with Petitioner that there was insufficient notice that the comment period remained open; and changes to the draft ordinance were not readily available to read and review. Since there was an express comment period closure date set out in writing, the City had an obligation to provide express notice of the extension of the comment period. *Dunlap v. Nooksack,* WWGMHB Case No. 06-2-0001(Final Decision and Order, July 7, 2006).

Rural Character

[T]he County Commissioners found that both commercial and noncommercial farming are important to the rural character of Island County. Rural character, they found, is part of the economy and culture of the County. They determined that noncommercial farming activities in rural designations contribute to the rural character of Island County and preserve the County's agricultural heritage. Therefore, the Commissioners found that the contributions of both noncommercial farming and commercial farming should be recognized and protected. Because of the number of critical areas located on parcels in rural noncommercial agricultural use, the Commissioners found that the standard buffer requirements would threaten the ability of rural agriculture to continue and that BMPs would assist rural agriculture to coexist in conformity with GMA requirements for the protection of critical areas. We find that, with its survey of agricultural activity on Island County and the Commissioners' findings, the County has established a sufficient rationale, based on its local circumstances, for the need to adopt special measures to protect critical areas that also preserve existing and ongoing agricultural activities in its noncommercial rural zones. *WEAN v. Island County*, WWGMHB Case No. 98-2-0023c (2006 Order Finding Compliance of Critical Areas Protections in Rural Lands, September 1, 2006)

Rural Lands

The conservation of productive agricultural, forestry and mineral resource lands occurs, under the GMA, through the natural resource lands designation process (RCW 36.70A.040 and 36.70A.170) and through the adoption of development regulations to assure their conservation (RCW 36.70A.060(1)). Agriculture and forestry must be permitted in the rural areas (RCW 36.70A.070(5)(b)), but there is no requirement that rural lands be primarily devoted to those uses. Therefore, there is no requirement that the County conserve "productive" rural lands for natural resource industry purposes. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

[RCW 36.70A.070(5)(c)] requires the rural element of the County's comprehensive plan to, among other things, contain rural development and reduce the inappropriate conversion of undeveloped land into low-density sprawl. Petitioners allege that the County has failed to do this because it does not have a development regulation restricting the number of rural parcels that may be developed. The County does have development regulations addressed to nonconforming rural lots, even if they do not

restrict development as Petitioners deem necessary… [T]here is no GMA requirement that the County adopt a specific approach to "containing or otherwise controlling rural development" or to "reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area". Indeed, the reverse is the case. That is, the GMA expressly directs the board to "grant deference to counties and cities in how they plan for growth, consistent with the goals and requirements of this chapter". To simply allege that there must be a regulation that limits the number of rural lots that are developed fails to recognize the Petitioners' burden to show why the County's choices are clearly erroneous. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Show Your Work – Required Analysis

Another source of major concern is sizing of the UGA. The County has not shown its work or analysis with regard to the need for commercial and institutional growth in the Eastsound UGA in the next 20 years, including an analysis of the impact of commercial and institutional needs on the land supply for residential housing . RCW 36.70A.110 (2) and RCW 36.70A. 115. *Stephen Ludwig v. San Juan County,* WWGMHB 05-2-0019c and *Fred Klein v. San Juan County,* WWGMHB 02-2-0008 (Compliance Orders, June 20, 2006) and *John Campbell v. San Juan County*, WWGMHB Case No. 05-2-0022c (Final Decision and Order, June 20, 2006).

No analysis was presented that demonstrates a need for the 854 acres by which the Napavine UGA was actually expanded. The GMA requires the local jurisdiction to "show its work" when establishing UGA boundaries. See *Bremerton, et al. v. Kitsap County,* CPSGMHB Case No. 95-2-0039c (Final Decision and Order, October 6, 1995) and *City of Tacoma et al. v. Pierce County,* CPSGMHB Case No. 94-3-0001 (Final Decision and Order, July 5, 1994.) Otherwise, there would be no way to ensure or review the local jurisdiction's analysis required by RCW 36.70A.110. Since no evidence before the Board supports a need for the 854 acres by which the Napavine UGA was enlarged, Lewis County Resolution No. 05-326, Attachment D fails to comply with RCW 36.70A.110(1) and (2). *Futurewise v. Lewis County,* WWGMHB Case No. 06-2-0003 (Final Decision and Order, August 2, 2006).

State Environmental Policy Act (SEPA)

With respect to the SEPA challenges, the Board finds that the failure to reference the prior environmental studies, notably the 2000 Supplemental Environmental Statement done for the Lopez Village and Eastsound UGAs, in the DNS for the designation of the 2005 Lopez Island UGA fails to comply with Ch. 43.21C RCW and WAC 197-11-600. This failure is not merely a matter of form – publication of the DNS should give the public notice of the information that was used to make the negative threshold determination. However, this error can be corrected with the County's remand work. *Stephen Ludwig v. San Juan County,* WWGMHB Case No. 05-2-0019c (Final Decision and Order, Compliance Order, April 19, 2006).

Timeliness

[A]ny challenge to the exclusion of Petitioner's property or any other property from the Glen Cove LAMIRD should have been raised when Jefferson County finalized the boundaries for this LAMIRD in 2002 or reviewed them in 2004 as part of the update to its comprehensive plan required by RCW 36.70A.130(1). The time to challenge the enactment of these boundaries has long passed according to RCW 36.70A.290(2).

Widdell v. Jefferson County, WWGMHB Case No. 06-2-0004 (Order on Dispositive Motion, May 2, 2006).

UGAs

The purpose of the UGA review is to determine whether the urban growth areas and the densities within them are appropriately accommodating urban growth. The statute clearly contemplates that the jurisdiction will have a period of up to ten years to measure and evaluate the relative success of the UGA boundaries and densities it has chosen. To conduct that review without a sufficient period of time for evaluation would not allow a meaningful review. Under the analysis proposed by Petitioner, a jurisdiction that, for example, adopted its comprehensive plan in 2002, would have to conduct a review of its urban growth areas immediately thereafter. Such a review would not have a meaningful function since there would be no basis for reviewing the relative success of the original urban growth boundaries and densities… RCW 36.70A.130(3) allows the County up to ten years from the date of designation of its UGAs to complete its review of UGA boundaries and densities. *Wiesen v. Whatcom County,* WWGMHB Case No. 06-2-0008 (Order Granting Motion to Dismiss, July 17, 2006)

UGA Boundaries

The City of Winlock does not have the ability or the duty under the GMA to set or alter the boundaries of the UGA of which it forms a part. The adoption in Ordinance 892 of the expanded Winlock UGA boundaries established by Lewis County achieves coordination and consistency between the comprehensive plan of the City and the comprehensive plan of Lewis County as required by RCW 36.70A.100. *Harader v. Winlock,* WWGMHB Case No. 06-2-0007(Final Decision and Order, August 30, 2006).

[P]arcel-by-parcel contiguity is not what is required by the phrase "adjacent to territory already characterized by urban growth". *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006).

Apart from the assertion that it does not, Petitioners have not explained how the territory included in the proposed UGA expansion fails to meet the requirement that it be adjacent to land characterized by urban growth. *Futurewise v. Lewis County,* WWGMHB Case No. 06-2-0003 (Final Decision and Order, August 2, 2006).

Urban Growth

Under the *Quadrant* decision, land that is already developed at suburban densities may be considered as being "characterized by urban growth" for purposes of inclusion in a UGA. Therefore, we find that the inclusion of the westernmost properties in the Eastsound UGA does not violate the requirement that lands within a UGA be "characterized by urban growth". RCW 36.70A.110(1). However, those lands may still not be designated as part of a UGA until a compliant capital facilities plan demonstrates that urban services can be provided to those areas within the planning period. RCW 36.70A.110(3) and RCW 36.70A.020(12). Further, once included in the UGA, those lands must be zoned for appropriate urban densities so that landowners may pursue more intensive development in the future, if they wish. See RCW 36.70A.110(2). *Stephen Ludwig v. San Juan County,* WWGMHB 05-2-0019c and *Fred Klein v. San Juan County,* WWGMHB 02-2-0008 (Compliance Orders, June 20, 2006) and *John Campbell v. San Juan County*, WWGMHB Case No. 05-2-0022c (Final Decision and Order, June 20, 2006)

Urban Services

Without a requirement that residential development within the UGA connect to sewer when public sewer is available within the UGA, there is no assurance that such urban residential development will ever be connected to public sewer. Further, urban levels of residential development are allowed within the Belfair UGA before urban sewer service can be connected. This violates RCW 36.70A.110(3) and the concurrency goal (12) of the GMA. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Updates

To prevail upon his claim [that the County established its own deadline in its comprehensive plan], Petitioner would have to show a clear commitment in the comprehensive plan to a new deadline for a GMA-required action. The referenced language in the Whatcom County comprehensive plan is simply not unequivocal. It provides that "the City and Whatcom County should review certain areas identified in this plan on a priority basis" and it refers to "Bellingham's Five-Year Periodic Review". It states that "the plan envisions two general types of plan amendments" of which the first type "is a review conducted every five years." Petitioners point to nothing in the plan language which states that it is setting a new schedule for the RCW 36.70A.130(3) review. Since it is the plan itself upon which Petitioner must rely, it is the plan itself that must create the new deadline. Petitioner has not met his burden to show that the County established a mandatory new deadline for review of the Bellingham UGA in its comprehensive plan. *Wiesen v. Whatcom County,* WWGMHB Case No. 06-2-0008 (Order Denying Reconsideration, August 14, 2006).

[The challenged ordinance] does not contain a statement that a review and evaluation has occurred of any changes in the comprehensive plan that may be needed to assure compliance with the GMA. [It] similarly lacks such a statement with respect to the City's development regulations. Neither contains a finding that certain revisions were made or that revisions were not needed. The public notices sent by the City are primarily about the proposed UGA expansion. Some of them could be read to address the comprehensive plan generally, such as the City Council agenda item on June 13, 2005 entitled "Update on Status of UGA Expansion/Comp Plan". However, none of them advise the public that the comprehensive plan and development regulations are being reviewed for the purpose of ensuring compliance with the GMA… Therefore, the City has not completed its Update of its comprehensive plan and development regulations as required by RCW 36.70A.130. *Harader v. Winlock,* WWGMHB Case No. 06-2-0007(Final Decision and Order, August 30, 2006).

The County timely conducted the Update required by RCW 36.70A.130. The only update of the Resource Ordinance that the County determined was necessary was to incorporate the 2005 GMA changes which encouraged accessory uses on Agricultural Resource Lands. Petitioners have failed to show that revisions of the Resource Ordinance were necessary to make these development regulations compliant with RCW 36.70A.060 and 36.70A.170, and that the County failed to make those necessary revisions. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)

Further, the last part of the County's comprehensive plan and development regulations to be revised and found compliant were the parts pertaining to rural development. Compliance on these parts of the County's plan and regulations was found in November 2004. The Update challenged here relies in large part on these policies and regulations. Therefore, the County has not yet had the opportunity to develop much data on whether its strategy for promoting growth in urban areas and restricting growth in rural areas is working. One of the purposes of the Update mandated by RCW 36.70A.130 is to give citizens and local governments an opportunity to assess the success of plans and regulations. The County's next update of its UGAs and development regulations will provide a better picture of the success of the County's strategy and its compliance with the sprawl reduction goal of the GMA. *ARD and Diehl v. Mason County,* WWGMHB Case No. 06-2-0005 (Final Decision and Order, August 14, 2006)